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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,197	11/30/2000	Allan Rousselle	MICR0244	4422

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EXAMINER

VAUGHN, GREGORY J

ART UNIT PAPER NUMBER

2178

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/728,197	ROUSSELLE ET AL.	
	Examiner	Art Unit	
	Gregory J. Vaughn	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Application History

1. This action is responsive to the application amendment, filed on 6/21/2004.
2. Applicant has amended claims 1 and 8-17.
3. Claims 1-18 are pending in the case, claims 1, 10 and 16 are independent claims.
4. Applicant has amended the specification in response to the objections cited by the examiner in the *Drawings* and *Specification* sections of the previous office action (dated 4/6/2004). Applicant's amendment has addressed the objections previously made, and therefore, in view of the amendment, objections to the drawings and specification are withdrawn.
5. Applicant has amended claim 12 in response to the rejection made under 35 USC 112 by the examiner in the *Claim Rejections – 35 USC 112* section of the previous office action (dated 4/6/2004). Applicant's amendment has addressed the rejection previously made, and therefore, in view of the amendment, the rejection made under 35 USC 112 to claim 12 is withdrawn.
6. Applicant has amended claim 13 in response to the objection made under 37 CFR 1.75 by the examiner in the *Double Patenting* section of the previous office action (dated 4/6/2004). Applicant's amendment has addressed the objections previously made, and therefore, in view of the amendment, objections to claim 13 made under 37 CFR 1.75 are withdrawn.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

8. Claims 1-18 remain rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Office 97, Copyright 1983-1996 by Microsoft Corporation. Selected screen captures of Microsoft Office 97 are presented in *Microsoft Office 97 – Send to Function*, captured March 30, 2004 (hereafter referred to as *Microsoft Office 97*).
9. **Regarding independent claim 1**, Microsoft Office 97 anticipates a timed reminder linked to a document, as shown in Figure 2. Microsoft Office 97 discloses opening a document using Microsoft Word in Figure 3 (see the *File* menu, with the *Open* choice). Figure 3 further discloses the first step of creating a reminder to access a document at a later date (see the *File* menu, with the *Send To* choice) from within an application of an application suite (the application suite being "*Microsoft Office 97*"). Microsoft Office 97 discloses a user interface as shown in Figure 4 (shown as "*Flag Message*"). Microsoft Office 97 discloses creating a reminder with a date and time field

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and a document name field in Figure 4. Figure 4 also shows setting the values for the date, time and the document name. Figure 4 further discloses storing the reminder in a shared database (see the OK button on the *Flag Message* dialog box).

10. **Regarding dependent claims 2-6**, Microsoft Office 97 discloses a word processing compatible file (see Microsoft Word in Figure 3), and a spreadsheet (see Microsoft Excel in Figure 5), and a graphical file (see Microsoft Power Point in Figure 6).
11. **Regarding dependent claim 7**, Microsoft Office 97 discloses creating a reminder for any file type using the Insert menu (Figure 7) and Insert File dialog box (Figure 8).
12. **Regarding dependent claim 8**, Microsoft Office 97 discloses retrieving and displaying the reminder in Figure 2, where the reminder discloses the document name.
13. **Regarding dependent claims 9 and 13**, the claims are directed toward a computer readable medium for the method of claim 8 and are rejected with the same rationale.
14. **Regarding independent claim 10**, Microsoft Office 97 uses a first application, Microsoft Outlook 97, to automatically poll the database of messages as shown in Figure 4. Microsoft Outlook 97 determines when a reminder is present and the date and time matches the current date and time,

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and in response to the determination and matching, displays the reminder as shown in Figure 2. The reminder will trigger the user to retrieve and open the identified document (see the *Open Item* button in the Reminder shown in Figure 2).

15. **Regarding dependent claim 11**, Microsoft Office 97 discloses the use of a *Task Bar* at the bottom of the screen (see Figure 3) where the user determines if the application capable of polling the reminder database (Microsoft Outlook 97) is active. If Microsoft Outlook 97 is not active the user can activate it as shown in Figure 9. As is well known in the Microsoft Windows user interface, all running programs are shown as a button on the Task Bar (see Figure 3). Active programs are shown as a top window with a bold Title Bar (see Figure 3), and background programs are not visible or are shown behind the active program. Microsoft Office 97 discloses the use of Microsoft Outlook 97 as both a background program and an active application (see Figure 7).

16. **Regarding dependent claim 12**, Microsoft Office 97 discloses in Figure 10 an incompatible document with the active application (the document is named *Test Document*). The incompatible document can be opened by another application by selecting the document icon and accessing the icon menu as shown in Figure 11. The document is displayed by a new application (Microsoft Word 97).

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17. **Regarding dependent claim 14**, the claim is rejected for fully incorporating the deficiencies of the base claims.
18. **Regarding dependent claim 15**, Microsoft Office 97 discloses in Figure 12, the associated document as a hyperlink, and by clicking the hyperlink the web browser (Microsoft Internet Explorer) is activated to display the web page.
19. **Regarding independent claim 16**, the claim is directed to a computer-implemented method of the method of claims 1, 10 and 11 combined, and is rejected using the same rationale.
20. **Regarding dependent claim 17**, the claim is directed toward a computer readable medium for the method of claim 16 and is rejected with the same rationale.
21. **Regarding dependent claim 18**, the claim is directed toward substantially the same subject matter as claim 6 and is rejected with the same rationale.

Response to Arguments

22. Applicant's arguments, filed June 21, 2004, have been fully considered but they are not persuasive.

23. **Regarding independent claim 1**, the applicant states: "*a user can directly manipulate reminders present in the database, without going through the application suite (see applicant's specification, page 13, lines 8-11). Thus it will be apparent that the user interface alternative is also not another application program*" (amendment of 6/21/2004, page 11, lines 10-13). Applicant is directed to the rejection of claim 1 as restated above. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*not another application program*") is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

24. **Also, regarding independent claim 1**, the applicant states: "*there is no teaching or suggestion of setting both the time and the date in the cited reference*" (amendment of 6/21/2004, page 11, lines 20-21). Applicant is directed to the rejection of claim 1 as restated above. In further support of the rejection, consider that the cited example discloses setting the time as shown in Figure 3.

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25. **Also, regarding independent claim 1**, the applicant states: "*the Microsoft Office 97 reference neither teaches nor suggests applicant's seamless method of creating a reminder to access a document from within either an application suite comprising the application program or a user interface*" (amendment of 6/21/2004, page 11, lines 26-29). Applicant is directed to the rejection of claim 1 as restated above. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "*seamless method*") is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
26. **Regarding independent claim 10**, the applicant states: "*Figure 4 does not show a database of messages*" (amendment of 6/21/2004, page 12, line 9). Applicant is directed to the rejection of claim 10 as restated above. In further support of the rejection, Figure 11 also discloses the database of messages (although the example shown does not contain any records).
27. **Also, regarding independent claim 10**, the applicant states: "*Thus applicant's automatic polling of the database (that does not require user intervention) is not taught or suggested by the prior art, which requires a mental review to be performed by the user*" (amendment of 6/21/2004, page 12, lines 21-23). Applicant is directed to the rejection of claim 10 as restated

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above. In further support of the rejection consider Figure 2, which is a reminder generated by the system by automatically polling the database, without user intervention.

28. **Also, regarding independent claim 10**, the applicant states: "*the Microsoft Office 97 reference neither teaches nor suggests automatically polling a database from a first application and determining whether a reminder is present in the database*" (amendment of 6/21/2004, page 13, lines 8-10). Applicant is directed to the rejection of claim 10 as restated above. See also arguments presented in the previous paragraph.

29. **Regarding independent claim 16**, the applicant states: "*the Microsoft Office 97 reference neither teaches nor suggests automatically determining whether a checking application is active or automatically activating a background checking program*" (amendment of 6/21/2004, page 13, lines 21-23). Applicant is directed to the rejection of claim 16 as restated above and to the arguments presented above with regards to claims 1 and 10.

Conclusion

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

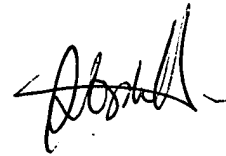
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEPHEN HONG
SUPERVISORY PATENT EXAMINER

Gregory J. Vaughn
December 22, 2004